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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/761,624

01/20/2004

Yiling Xie

USP2338A-TMI

3543

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01/12/2005

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EXAMINER

MAI, HUY KIM

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,624

Applicant(s)

XIE, YILING

Examiner

Huy K. Mai

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8, 11, 14, 17, 20, 23, 26, 29, 31, 33, 36, 39, 42, 45 is/are rejected.
- 7) ☒ Claim(s) See Continuation Sheet is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims objected to are
4,5,7,9,10,12,13,15,16,18,19,21,22,24,25,27,28,30,32,34,35,37,38,40,41,43,44,46 and 47.

DETAILED ACTION

Oath/Declaration

1. The declaration filed on Dec. 20, 2004 is acceptable.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 39-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "said welding bridge" (claim 1, line 2) should read --said weldingless bridge--; otherwise, this phrase has no antecedent basis. The features "two guiding grooves spacedly formed on a rear side of said primary bridge" (claims 39-41, lines 4-5) are undefined clearly. The features "two guiding grooves formed on inner side of said lenses" (claims 42-44, lines 4-5) are undefined clearly. Does the applicant mean "said lenses" (claims 42-44, line 5) by --said primary lenses—or --said shelter lenses--? There is no drawings show such grooves formed on inner sides of said lenses.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

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patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,29,31,33,36,39,42,45 are rejected under 35 U.S.C. 102(b) as being anticipated by Underwood (5,546,140).

The limitations in claims 1,29,31,33,36,39,42,45 are shown in Underwood's Figs. 22-24, column 12, line 60 through column 13, line 30. Underwood discloses a spectacle set 400, comprising two lenses 402 and a weldingless bridge 404, wherein said bridge 404 comprises a bridge body 406 having two lens holding arms 408 coupling with two inner sides of said lenses 402 respectively and two functioning arms 412 integrally and rearwardly extended from said bridge body.

Regarding claim 29, since the spectacles set is a clip-on sunglass, a primary spectacle is inherently included in the Underwood's spectacle set.

Regarding claims 36, Underwood shown in Figs. 22-24, the resilient arms 412 has a guiding tip 414.

6. Claims 1,2 are rejected under 35 U.S.C. 102(e) as being anticipated by Masunaga (6,793,338).

The limitations in claims 1-2 are shown in Masunaga's Figs. 1,2,4, columns 4-6, Masunaga discloses a spectacle set, comprising two lenses 1 and a weldingless bridge 2, wherein said bridge 2 comprises a bridge body 21 having two lens holding arms 22,23 coupling with two inner sides of said lenses 1 respectively and two functioning arms 24 integrally and rearwardly extended from said bridge body; and two side extensions 3 rearwardly extended from two outer sides of said lenses respectively and two nose pieces P coupling two free ends of said functioning arms 24 respectively, wherein said two functioning arms are respectively formed as two nose

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supporting arms to support said nose pieces in position such that said weldingless bridge is formed as a primary bridge to support said lenses in position so as to form a primary spectacle.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3,6,8,11,14,17,20,23,26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masunaga in view of Underwood.

Masunaga discloses the claimed invention as discussed above, but does not mention a detachable shelter frame attached to the spectacles. It is well known in the art to use a detachable shelter frame attached to the spectacles for providing an additional need for the user such as sunglasses, for example, as taught by Underwood. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the Masunaga's pair of spectacle in light of Underwood's teaching by using a detachable shelter frame attached to the spectacle for the same purpose as disclosed by Underwood as the same as the applicant does.

Allowable Subject Matter

9. Claims 4,5,30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 7,9,10,12,13,15,16,18,19,21,22,24,25,27,28,32,34,35,37,38,40,41,43,44,46,47 are objected to as being dependent upon the above objected claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.



Huy Mai
Primary Examiner
Art Unit 2873

HKM/
January 10, 2005